

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NINA AGDAL,

Plaintiff,

v.

DILLON DANIS,

Defendant.

Civil Action No. 23-16873 (MCA) (MAH)

ORDER

THIS MATTER having come before the Court for status conference held on the record on August 27, 2024;

and the Court having considered, and the parties having discussed, Plaintiff's August 23, 2024 letter [D.E. 66] concerning the recent disclosure by Defendant Danis that his cellular telephone was damaged in or around January 2024, and Defendant's August 26, 2024 letter in response [D.E. 67];

and for the reasons set forth on the record on August 27, 2024;

and for good cause shown;

IT IS on this 27th day of August 2024,

ORDERED THAT

1. Plaintiff Nina Agdal's renewed request that the Court require Defendant Dillon Danis to engage, at his own expense, the services of a forensic vendor to, inter alia, ascertain whether the text messages on the damaged cellular telephone are recoverable, is denied without prejudice.
2. By or before 5:00 p.m. on **August 29, 2024**, Mr. Danis shall provide his attorney with the damaged cellphone. Defense counsel shall retain custody of the damaged cellphone until the parties agree otherwise, or further Order of the Court.

3. In addition to the substantive deposition of Mr. Danis on the liability and damages issues in this matter, Plaintiff is granted leave to depose Mr. Danis concerning the damaged cellular telephone as well as his efforts to preserve discoverable material and comply with his discovery obligations in this matter. Absent agreement of all parties to the contrary, this discovery deposition shall precede the substantive deposition of Mr. Danis on issues of liability and damages.
4. Within **three business days** of the scheduling of Mr. Danis's discovery deposition, the parties shall inform the Court of the date of that deposition and propose the date for the next status conference.
5. The current discovery deadlines are held in abeyance and will be re-set at the next status conference.
6. Any future discovery dispute shall be presented to the Court as a joint discovery dispute letter. Each party is limited to a maximum of three double-spaced pages.

s/ Michael A. Hammer

Hon. Michael A. Hammer
United States Magistrate Judge